

## **REMARKS**

This Amendment is responsive to the Office Action dated December 13, 2005, in which Claims 1-20 were rejected. Applicants have amended claims 1, 3-11, 13-15, and 17 in order to clarify and more particularly point out the invention. Accordingly, Claims 1-20 are pending in the application, and are presented for reconsideration and allowance.

Furthermore, by this Amendment, the specification has been amended to reflect the serial numbers of related cases.

Claims 1 and 5-9 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0081834 to Philomin et al. (hereinafter, *Philomin*). These rejections are respectfully traversed.

Applicants' amended independent Claim 1 relates to a method for collecting and associating affective information for a plurality of images in an imaging system. A plurality of digital images are displayed for viewing by a particular user. Applicants' claimed method automatically collects affective information for the plurality of digital images as the particular user views the images. The collected affective information for each of the plurality of digital images is stored in a database, and the collected affective information is associated with the particular user.

*Philomin* fails to show or suggest Applicants' claimed feature of storing in a database the collected affective information for each of the plurality of digital images and associating the collected affective information with the particular user. Paragraphs [0022] and [0023] of *Philomin* as cited by the Office Action on page 2 indicate that observation unit 12 monitors and captures the emotional state of the viewer in order to change the viewing condition. However, *Philomin* does not indicate that information collected by observation unit 12 is stored in a database. In addition, although control unit 16 of *Philomin* analyzes the data from observation unit 12 to determine if there is a match between the observed behavior and a predetermined facial expression, *Philomin* does not teach, suggest, or provide any motivation for associating collected affective information with a particular user. Rather, *Philomin* describes (e.g., in paragraph [0022]) that *facial expressions* can be associated with *emotional states* – this

association is different from associating *affective information* with a *particular user*.

Thus, for at least the reasons described above, Applicants respectfully submit that *Philomin* fails to show or suggest Applicants' claimed invention. Accordingly, Applicants believe that Claim 1 is in condition for allowance. Claims 2-7 are dependant on Claim 1 and therefore include all the features thereof. For at least the reasons set forth above with regard to Claim 1, Claims 2-7 are also believed to be patentable.

Applicants have also amended independent Claim 9 in order to more particularly define their invention. As amended, Claim 9 relates to a method for providing affective information for images, where a plurality of digital images are sequentially displayed for viewing by a particular user. Affective information is automatically collected for each of the plurality of digital images. The collecting affective information for each of the digital images is stored and is associated with a particular user. The stored affective information is used to facilitate retrieval of particular digital images from the plurality of digital images.

Applicants respectfully submit that *Philomin* fails to show or suggest Applicants' claimed feature of storing the collected affective information for each of the plurality of digital images and associating the collected affective information with the particular user for at least the same reasons described above in connection with Claim 1. Furthermore, *Philomin* fails to teach Applicants' claimed feature of using the stored collected affective information to facilitate retrieval of particular digital images from the plurality of digital images. As described, for example, by paragraphs [0022] and [0023], *Philomin* monitors the emotion of the viewer to change the viewing condition (e.g., varying the room lighting intensity or temperature) – this is very different from facilitating the retrieval of particular images as claimed by Applicants.

Thus, Applicants respectfully submit for at least the reasons described above, Claim 9 is in condition for allowance. Applicants believe that Claim 10, which depends from Claim 9 and includes all the features thereof, is patentable for at least the same reasons as Claim 9 is patentable.

Claims 11-14, 16, and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Philomin* in view of U.S. Patent No. 6,931,147 to Colmenarez et al. (hereinafter, *Colmenarez*).

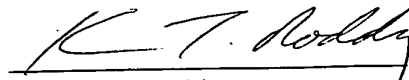
Applicants' amended independent Claim 11 relates to a system for providing affective information for images. The system has a digital memory that stores a set of digital images, and has means for identifying a particular user. A display sequentially displays the set of digital images for viewing by the particular user. The system has a sensor for automatically measuring the particular user's reaction to the image, and a processor for processing the signal from the sensor to provide affective information for the set of digital images. The system also has a memory for storing the affective information for the set of digital images, where the processor accesses the stored affective information to facilitate retrieval of particular digital images from the set of stored digital images.

On page 6, the Office Action cites col. 2, lines 18-24 of *Colmenarez* as teaching a digital memory that stores a set of digital images. Applicants submit, however, that *Colmenarez*, whether taken alone or in combination with *Philomin*, neither shows nor suggests a memory for storing affective information for the set of digital images, where the processor accesses the stored affective information to facilitate retrieval of particular digital images from the set of stored digital images. The cited portion of *Colmenarez* referenced above relates to retrieval of photos from memory based on the detected *mood of the viewer*. This is distinctly different from Applicants' claimed invention, where retrieval of digital images is based on the stored affective information affiliated with an image, not the viewer's detected mood. Therefore, for at least the above reasons provided above in connection with Claim 11, as well as for Claims 1 and 9, Applicants believe Claim 11 is patentable. Claims 12-20, which depend from Claim 11, are allowable for at least the same reasons as Claim 11 is allowable.

It is believed that these changes now make the claims clear and definite and, if there are any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.